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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,424	06/02/2005	Mauro Gelli	6539/PCT	6162
6858 7590 11/19/2007 BREINER & BREINER, L.L.C. P.O. BOX 320160 ALEXANDRIA, VA 22320-0160			EXAMINER DONDERO, WILLIAM E	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/535,424

Applicant(s)

GELLI ET AL.

Examiner

William E. Dondero

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-11, 21-28, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11, 21-28, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/11/2007
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-8, 11, 21-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isakson (US-3791602). Regarding Claim 3, Isakson discloses a rewinding machine for producing logs 40 of wound web material comprising a path along which a web material 32 is fed; a winding cradle (defined by 12, 22, and 26) to wind the web material and form the logs, including at least one first winding element 12 around which the web is fed; at least one first glue dispenser 48A, 50A, 52, 54, 56, 58 including a mechanical member 48A, 50A that touches the web material at the end of winding of the each log to apply a first glue to a portion of the web material, in proximity to a severing line P<sub>2</sub>, along which the web material is severed upon termination of winding the each log to form a final free edge and an initial free edge, the first glue gluing the final free edge of the log, and wherein the mechanical member, the path and the first winding element are constructed and arranged such that the web material is fed between the mechanical member and the first winding element when the mechanical member applies the glue to a portion of the web material contacting the first winding element (Figures 13-15 and Column 3, Line 66 – Column 4, Line 25). Isakson is silent about a means to sever the web material upon termination of winding each log,

including a rotating severing element, cooperating with the first winding element and the mechanical member of the first glue dispenser being part of or integral with the severing element in the embodiment disclosed in Figures 13-15. However, in another embodiment, shown in Figures 2-5, Isakson discloses a means 16 to sever the web material upon termination of winding each log, including a rotating severing element 16 cooperating with the first winding element 12 (Figures 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the mechanical member 48A,50A to pinch, and therefore sever, the web material as it applies the glue, much in the same way element 16 would pinch and sever the web (in a similar manner in which the embodiment with a knife is added when the pinch member is not enough as explained in Column 2, Lines 51-56) to keep the device simple by reducing the number of moveable parts with the potential to fail. Regarding Claim 6, Isakson discloses the mechanical member is a rotating element (Figures 13-15). Regarding Claim 7, Isakson discloses the first glue dispenser applies the first glue to a portion of the web material wound around the first winding element (Figures 13-15). Regarding Claim 8, Isakson discloses the mechanical member has at least one pad suitable to pick up the first glue and to touch the web material, to transfer to the pad at least part of the glue picked up (Figures 13-15). Regarding Claim 11, Isakson discloses the first glue dispenser applies the first glue along longitudinal bands, continuous or broken, on the web material (Figures 13-15).

Regarding Claim 21, Isakson discloses a method for producing logs 40 of wound web material 32 comprising winding a quantity of web material by at least a first winding

element 12 to form a first log 40 in a winding area (defined by 12, 22, and 26); applying a first glue to a portion of the web material destined to remain wound on the first log, in proximity to a final free edge, which is glued to the first log upon termination of winding, wherein the first glue is applied to the web material by a mechanical member 48A,50A when the web material is present between the mechanical member and the first winding element (Figures 13-15 and Column 3, Line 66 – Column 4, Line 25). Isakson is silent about upon termination of winding the first log, severing the web material by the mechanical member where the web material is positioned between the mechanical member and the first winding element to create the final edge of the first log and an initial edge to form a second log in the embodiment shown in Figures 13-15. However, in another embodiment, shown in Figures 2-5, Isakson discloses upon termination of winding a first log 40, severing the web material by a mechanical member 16 to create the final edge of the first log and an initial edge to form a second log 20 (Figures 2-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the mechanical member 48A,50A to pinch, and therefore sever, the web material as it applies the glue, much in the same way element 16 would pinch and sever the web (in a similar manner in which the embodiment with a knife is added when the pinch member is not enough as explained in Column 2, Lines 51-56) to keep the device simple by reducing the number of moveable parts with the potential to fail. Regarding Claim 22, Isakson discloses the web material is wound around tubular winding cores (Figures 13-15). Regarding Claim 24, Isakson discloses the first glue is applied along a longitudinal line (Figures 13-15). Regarding Claim 25, Isakson discloses the logs are

wound with a peripheral winding system (Figures 13-15). Regarding Claim 26, Isakson discloses the first glue is applied to the web material before severing of the web material (Figures 13-15). Regarding Claim 27, Isakson discloses the first glue is liquid or semi-liquid glue (Figures 13-15).

Claims 4-5, 9-10, 23, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isakson (US-3791602) as applied to claims 3, 6-8, 11, 21-22, and 24-27 above, and further in view of Perini et al. (US-5603467). Regarding Claim 4, Isakson is silent about the severing element having a peripheral speed differing in respect of the first winding element. However, Perini et al. discloses a rewinding machine including a severing element 134 which cooperates with a first winding element 101 and the severing element has a peripheral speed differing in respect of the first winding element (Figures 1-5 and Column 5, Lines 18-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to control the severing element of Isakson to have a differing speed that that of the first winding element as taught to Perini et al. to achieve a clean and efficient sever of the material (Column 4, Lines 18-27).

Regarding Claim 5, Isakson is silent about the severing element being integral to an assembly of rods. However, Perini et al. disclosing a rewinding machine with a severing element 134 integral to an assembly of rods (Figures 1-5 and Column 18-27). Because both Isakson and Perini et al. teach a rotating severing element, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the roller for supporting the severing element and glue pads of Isakson with the assembly of

rods of Perini et al. with the severing element including glue pads supported at the ends of the rods to achieve the predictable result of gluing and severing the web upon termination of winding.

Regarding Claims 9 and 23, Isakson is silent about a second gluing unit to apply a second glue to the tubular winding cores. However, Perini et al. discloses a rewinding machine including a gluing unit 125 to apply a glue to tubular winding cores A (Figures 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the gluing unit of Perini et al. to the rewinding machine of Isakson to apply a glue to the tubular cores to attach the initial edge of the web to the new core as taught by Perini et al.

Regarding Claims 10 and 37-38, Isakson discloses a mechanism 28 for feeding cores into the winding cradle. However, Isakson is silent about a rolling surface defining with the first winding element a channel to feed the winding cores; and wherein the winding cores are fed into the channel and made to roll inside the channel before the web material is severed and a core feeder constructed and arranged to feed winding cores into the channel. However, Perini et al. disclose a rewinding machine comprising a rolling surface 132 defining with a first winding element 101 a channel 130 to feed winding cores A; and wherein the winding cores are fed into the channel and made to roll inside the channel before the web material is severed and a core feeder 119 constructed and arranged to feed winding cores into the channel (Figures 1-5). Because both Isakson and Perini et al. disclose a mechanism for feeding the cores into the winding cradle, it would have been obvious to one of ordinary skill in the art the

substitute the feeding mechanism of Perini et al. for that of Isakson to achieve the predictable result of feeding cores into the winding cradle.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isakson (US-3791602) as applied to claims 3, 6-8, 11, 21-22, and 24-27 above, and further in view of Nowisch (US-4422588). Isakson is silent about the first glue being a strip of double-sided adhesive material. However, Nowisch discloses first glue being a strip of double-sided adhesive material (Column 7, Lines 22-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the brush and liquid glue of Isakson with the applicator and double sided tape of Nowisch to reduce production time by eliminating the need to allow time for the glue to dry.

### ***Response to Arguments***

With respect to Applicants arguments starting on page 9, line 17 to page 11, line 16, Applicant argues Gelleke does not teach or suggest the mechanical member, the path, and the first winding element are constructed and arranged such that the web material is fed between the mechanical member and the first winding element when the mechanical member applies the glue to a portion of the web material contacting the first winding element. Applicant's arguments with respect to claims 3 and 21 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicants arguments starting on page 11, line 17 to page 14, line 12, Applicant argues the combination of Gelleke with Biagiotti or Blume does not teach or suggest the mechanical member, the path, and the first winding element are constructed and arranged such that the web material is fed between the mechanical



member and the first winding element when the mechanical member applies the glue to a portion of the web material contacting the first winding element. Further, there is not motivation or suggestion to combine the references to teach the new features of claims 37 and 38. Applicant's arguments with respect to claims 3, 21, 37 and 38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment, including the addition of the limitation, "and wherein said mechanical member, said path, and said first winding element are constructed and arranged such that the web material is fed between said mechanical member and said first winding element when said mechanical member applies said glue to a portion of said web material contacting said first winding element" (Claim 3, Line 19-24), necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WED/

  
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